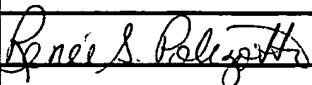


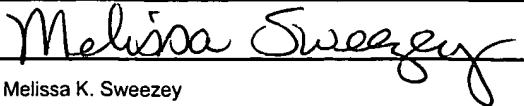
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/520,299 | |
| | Filing Date | 07/09.2003 | |
| | First Named Inventor | Rupp | |
| | Art Unit | N/A | |
| | Examiner Name | N/A | |
| Total Number of Pages in This Submission | 29 | Attorney Docket Number | HYS-B2CIP/US |

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| Remarks Petition Fee Transmittal Under 37 CFR 1.17(h); | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|----------|--------|
| Firm Name | Nuvelo, Inc. | | |
| Signature |  | | |
| Printed name | Renee S. Polizotto, Ph.D. | | |
| Date | Nov. 1, 2006 | Reg. No. | 53,474 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| Signature |  | | |
| Typed or printed name | Melissa K. Sweezey | Date | 11.1.06 |

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| | |
|------------------------|--------------|
| Application Number | 10/520,299 |
| Filing Date | 7/9/03 |
| First Named Inventor | Rupp |
| Art Unit | N/A |
| Examiner Name | N/A |
| Attorney Docket Number | HYS-B2CIP/US |

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Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 501169:
- ☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Renee S. Polizotto
Signature

Renee Polizotto, Ph.D.

Typed or printed name

November 1, 2006

Date

53474

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
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(Fees are subject to annual revision)

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| | |
|------------------------|--------------|
| Application Number | 10/520,299 |
| Filing Date | 7/9/03 |
| First Named Inventor | Rupp |
| Art Unit | N/A |
| Examiner Name | N/A |
| Attorney Docket Number | HYS-B2CIP/US |

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Renee S. Polizotto
Signature

Renee Polizotto, Ph.D.

Typed or printed name

November 1, 2006

Date

53474

Registration No., if applicable

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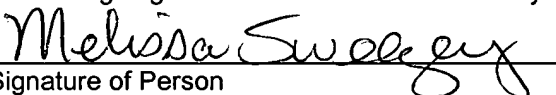
CERTIFICATE OF MAILING
UNDER 37 CFR 1.10

Applicant(s): Rupp, et al.
Serial No: 10/520,299
I.A. Serial No. PCT/US03/21703
I.A. Filing Date: 07/09/2003
For: METHODS AND
MATERIALS RELATING
TO NOVEL NUCLEIC
ACIDS AND
POLYPEPTIDES

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Date: November 01, 2006

Person signing Certificate: Melissa K. Swezey


Signature of Person

RENEWED PETITION UNDER 37 CFR 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This Renewed Petition under 37 CFR 1.47(a) is in response to the Decision dated August 01, 2006. Applicants have obtained a current address for inventor Tom Wehrman and have attempted to obtain his signature for the Declaration, Power of Attorney and Assignment documents for the above-identified application.

Applicants contacted Mr. Wehrman by phone on September 18, 2006 at his current place of work, DiscoverX Corporation in Fremont, CA. We were told by Mr. Wehrman to send the documents to his work address: DiscoverX Corporation, 42501 Albrae Street, Fremont, CA 94538. Mr. Wehrman did not give Applicants his home address; instead he wished to receive his mail at his work address. Applicants sent Mr. Wehrman a copy of the patent application and sequence listing with a request to execute the Declaration, Power of Attorney and Assignment documents on September 18, 2006. A copy of the letter transmitting the documents is enclosed herewith as Exhibit A.

The documents were sent to Mr. Wehrman via FedEx as evidenced by Exhibit B. The package was signed for receipt of these documents on September 19, 2006 at 9:13 AM as evidenced by Exhibit C.


Mr. Wehrman has not returned the signed documents nor has he responded to e-mail and phone requests by Applicants' representative for return of the documents as evidenced by Exhibit D.

Applicants respectfully request the Commissioner to declare Mr. Wehrman an uncooperative inventor and allow the remaining inventors to make the application by themselves and the nonsigning inventor. Furthermore, Applicants respectfully request the Commissioner to accept Mr. Wehrman's Fremont, CA address listed above as his address of record where he customarily receives mail.

Since this paper is a request for reconsideration, no additional fee is required. However, the Commissioner is authorized to charge any additional fees, or credit any overpayment, to the Nuvelo, Inc. deposit account no. 50-1169. A duplicate copy of this paper is submitted.

Respectfully submitted,

Date: November 01, 2006

By: 
Renée Polizotto, Ph.D.
Agent for Applicants
Reg. No. 53,474
Customer No. 34285
Nuvelo, Inc.
201 Industrial Road, Suite 310
San Carlos, CA 94070
Tel.: (650) 517.8422
Fax: (650) 571.8003

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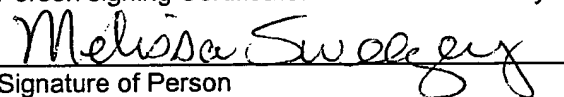
| | |
|-------------------|--|
| Applicant(s): | Rupp, et al. |
| Serial No: | 10/520,299 |
| I.A. Serial No. | PCT/US03/21703 |
| I.A. Filing Date: | 07/09/2003 |
| For: | METHODS AND MATERIALS RELATING TO NOVEL NUCLEIC ACIDS AND POLYPEPTIDES |

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UNDER 37 CFR 1.10

I hereby certify that this correspondence and any documents referred to as being enclosed therewith are being deposited with the U.S. Postal Service with sufficient postage as "Express Mail Post Office to Addressee" under Express Mail Label No. EV 741 236 402 US in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: November 01, 2006

Person signing Certificate: Melissa K. Sweezey


Signature of Person

RENEWED PETITION UNDER 37 CFR 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Arlington, VA 22313-1450

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By: Renée S. Polizotto
Renée Polizotto, Ph.D.
Agent for Applicants
Reg. No. 53,474
Customer No. 34285
Nuvelo, Inc.
201 Industrial Road, Suite 310
San Carlos, CA 94070
Tel.: (650) 517.8422
Fax: (650) 571.8003

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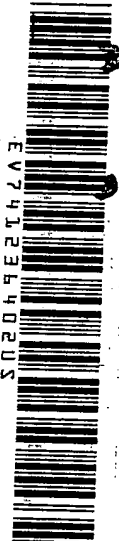
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